**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO. 31 OF 2006**
IN
WRIT PETITION NO. 2483 OF 2004

The District Judge, Solapur
and Ors. ... Petitioenr

Versus

S.K. Rathod ... Respondents

Mr. V.P. Malwankar, A.G.P. for Review Petitioner.

Mr. S. Sakhare for Respondents.

**CORAM : F.I. REBELLO &**
**DR.D.Y.CHANDRACHUD,JJ.**
**DATED : MARCH 03, 2006**

P.C.

. Admit. By consent taken up for hearing.

. Writ Petition No. 2483 of 2004 was disposed of by common order dated 22.2.2005 on the ground that no hearing was furnished to the original Petitioner by the Appellate Authority while disposing of the appeal. The Original Petitioner expired in the meantime. The petition came to be disposed of by setting aside the order passed by the appellate authority. There was consequential direction that

the legal heirs of the Petitioner should be heard by the appellate authority.

. In support of the review petition, attendance sheet of the hearing which took place before the appellate authority has been relied upon. The attendance sheet of 30.08.2003 shows that the original petitioner was present. Accordingly it has been submitted in the review petition that the basis on which this court disposed of the petition is erroneous since the Original Petitioner was in fact heard by the appellate authority. There is no reply to the review petition and there is no reason for us not to accept the statement which was made in the review petition since it was supported by the attendance sheet of the hearing. In the circumstances, review petition is allowed and the order dated 22.2.2005 is recalled. The Registry is directed to list the Writ petition before the appropriate bench for admission.

**(F.I. REBELLO,J.)**

**(DR. D.Y. CHANDRACHUD,J.)**